

HASSARD BONNINGTON LLP
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ROBERT L. NELDER, ESQ., State Bar No. 125426
Two Embarcadero Center, Suite 1800
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Attorneys for Defendant
JOHN CRANE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EVERETT HOGGE and
PRISCILLA HOGGE,

Plaintiffs,

vs.

A.W. CHESTERTON COMPANY, et al.,

Defendants.

No. C-07-2873 EDL

(San Francisco County Superior Court
Case No. CGC-06-452846)

**CERTIFICATE OF SERVICE OF
NOTICE TO ADVERSE PARTY OF
REMOVAL TO FEDERAL COURT**

I, Michele Smith, certify and declare as follows:

1. I am over the age of 18 years and not a party to this action.

2. My business address is Hassard Bonnington LLP, Two
Embarcadero Center, Suite 1800, San Francisco, California 94111, which is located
in the city, county, and state where the mailing described below took place.

3. On June 1, 2007, I deposited in the United States Mail at San
Francisco, California, a copy of the Notice to State Court And To All Parties Of
Removal To United States District Court dated June 1, 2007, a copy of which is
attached to this Certificate.

I declare under penalty of perjury under the laws of the State of
California that the foregoing is true and correct. Executed on June 4, 2007 at San
Francisco, California.

/s/ Michele Smith
Michele Smith

CERTIFICATE OF SERVICE

Case Name: Everett Hogge, et al. v. A.W. Chesterton Company, et al.
San Francisco County Superior Court Case No. CGC-06-452846

1. At the time of service I was over 18 years of age and not a party to this action.
2. I am employed in the office of a member of the bar of this court at whose direction the service was made. My business address is Two Embarcadero Center, Suite 1800, San Francisco, CA 94111.
3. On June 4, 2007, I served the following documents:

**CERTIFICATE OF SERVICE OF NOTICE TO ADVERSE PARTY
OF REMOVAL TO FEDERAL COURT**

4. I served the documents on the **persons** below as follows:

Dean A. Hanley, Esq.
Philip A. Harley, Esq.
Robert L. Barrow, Esq.
PAUL, HANLEY & HARLEY LLP
1608 Fourth Street, Suite 300
Berkeley, CA 94710
Telephone: (510) 559-9980
FAX: (510) 559-9970

5. The documents were served by the following means (specify):

By United States mail. I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 4 and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 4, 2007, at San Francisco, California.

/s/ Michele Smith
Michele Smith

HASSARD BONNINGTON LLP
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btf@hassard.com

Attorneys for Defendant
JOHN CRANE INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

EVERETT HOGGE and
PRISCILLA HOGGE,
Plaintiffs,

vs.

A.W. CHESTERTON COMPANY, et al.,
Defendants.

No. CGC-06-452846

**NOTICE TO STATE COURT AND TO
ALL PARTIES OF REMOVAL TO
UNITED STATES DISTRICT COURT**

TO THE CLERK OF THE ABOVE-ENTITLED COURT, AND TO ALL PARTIES AND
THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on June 1, 2007, defendant John Crane
Inc. filed, in the United States District Court of the Northern District of California, a
Notice of Removal of the above-entitled action pursuant to 28 U.S.C. §1442(a)(1). A
true and correct copy of the Notice of Removal is attached hereto as Exhibit 1.

PLEASE TAKE FURTHER NOTICE that pursuant to 28 U.S.C.
§1446(d), the filing of the Notice of Removal in the United States District Court,
together with the filing of this Notice with this Court, effects the removal of this action.

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1 Therefore, this Court may proceed no further with plaintiffs' action, unless and until
2 the action is remanded.

3 Dated: June 1, 2007

4 HASSARD BONNINGTON LLP

5
6 By: /s/ B. Thomas French
7 B. Thomas French

8 Attorneys for Defendant
9 JOHN CRANE INC.
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EXHIBIT 1

HASSARD BONNINGTON LLP
B. THOMAS FRENCH, ESQ., State Bar No. 65848
ROBERT L. NELDER, ESQ., State Bar No. 125426
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Attorneys for Defendant
JOHN CRANE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EVERETT HOGGE and
PRISCILLA HOGGE,

Plaintiffs,

vs.

A.W. CHESTERTON COMPANY, et al.,

Defendants.

No.

(San Francisco County Superior Court
Case No. CGC-06-452846)

NOTICE OF REMOVAL
28 U.S.C. Section 1441(b)
(Diversity Jurisdiction)

TO THE CLERK AND THE HONORABLE JUDGES OF THE UNITED STATES
DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA:

Defendant John Crane Inc. (hereinafter "John Crane" or "Defendant")
hereby removes to the United States District Court for the Northern District of
California, the following state court action: Everett Hogge and Priscilla Hogge,
plaintiffs v. A. W. Chesterton Company, et al., defendants, which was filed as Case
No. CGC-06-452846 in the Superior Court of the State of California, County of San
Francisco.

Removal of this action is authorized under 28 U.S.C. section 1441(b),
diversity of citizenship, based on the following facts:

1. On or about June 2, 2006, plaintiffs Everett Hogge and Priscilla

1 Hogge ("plaintiffs") commenced an action against Defendant by filing their complaint
2 with the Superior Court of the State of California, County of San Francisco. True and
3 correct copies of the summons and the complaint ("Complaint"), together with Paul &
4 Hanley, LLP's Master Complaint – Asbestos, which was filed on September 7, 2000,
5 are attached to the accompanying declaration of B. Thomas French as Exhibit 1.

6 2. It is undisputed that plaintiffs Everett Hogge and Priscilla Hogge
7 are citizens of the State of Virginia. Plaintiff states in response to interrogatories
8 served in this case that they have lived in Glouster, Virginia from 1988 to the present.
9 (Please see Exhibit 2 attached to the accompanying declaration of Robert Hamblett,
10 responses to Interrogatory Nos. 1 and 5.)

11 3. At the time the complaint was filed, it could not be removed for
12 multiple reasons including that one or more California defendants were named and
13 sued in the Complaint.

14 4. One of the defendants named in the complaint is Hill Brothers
15 Chemical Company. Hill Brothers Chemical Company is a California corporation with
16 its principal place of business in California. Attached as Exhibit 3 to the
17 accompanying declaration of B. Thomas French is a true and correct copy of a
18 printout from the California Secretary of State's website (www.ss.ca.gov/corpdata)
19 identifying Hill Brothers Chemical Company as a California corporation with its
20 principal place of business at 1675 N. Main St., Orange, California.

21 5. As of May 11, 2007, six defendants remained in the Hogge
22 matter, one of which was Hill Brothers Chemical Company. Attached as Exhibit 4 to
23 the accompanying declaration of B. Thomas French is a true and correct copy of the
24 Court's May 14, 2007 Minute Order reflecting the parties as of May 11, 2007.

25 6. As of May 15, 2007, after additional settlements, only two
26 defendants remained: John Crane Inc. and Hopeman Brothers, Inc. Attached as
27 Exhibit 5 to the accompanying declaration of B. Thomas French is a true and correct
28 copy of the Court's May 15, 2007 Minute Order reflecting the parties as of that date.

1 Hill Brothers Chemical Company was, as of May 15, 2007, no longer a defendant in
2 the action.

3 7. Hopeman Brothers, Inc., is a Delaware corporation with its
4 principal place of business is in North Carolina. Attached as Exhibit 6 to the
5 accompanying declaration of B. Thomas French is a true and correct copy of a
6 printout from the Hopeman Brothers, Inc., as a Delaware corporation with its principal
7 place of business at 155 Sunnynoll Ct., Suite 300, Winston Salem, North Carolina.

8 8. Defendant John Crane Inc. is now the only remaining defendant
9 in this lawsuit. John Crane Inc. is a Delaware corporation with its principal place of
10 business in Illinois. Attached as Exhibit 7 to the accompanying declaration of B.
11 Thomas French is a true and correct copy of a printout from the California Secretary
12 of State's website (www.ss.ca.gov/corpdata) identifying John Crane Inc. as a
13 Delaware Corporation with its principal place of business in Morton Grove, Illinois.

14 9. Defendant timely files this notice of removal on or about June 1,
15 2007, less than 30 days after receiving written notice of removability. 28 U.S.C.
16 §1446(b).

17 10. The amount in controversy in this lawsuit exceeds \$75,000.
18 Plaintiffs have recently filed formal demands in State Court against defendant John
19 Crane for amounts well in excess of the jurisdictional requirement. Attached as
20 Exhibit 8 to the accompanying declaration of B. Thomas French is a true and correct
21 copy of Plaintiffs' C.C.P. §998 Offer to Compromise to Defendant John Crane Inc.,
22 which shows the amounts of plaintiffs' demands at page 3.

23 11. Attached as Exhibit 9 to the accompanying declaration of B.
24 Thomas French is a true and correct copy of an economic damages report created by
25 plaintiffs' expert, Dr. Barry Ben-Zion. Dr. Ben-Zion calculated plaintiffs' total
26 economic damages to be \$2,161,850.

27 12. Because this Court is the United States District Court for the
28 district and division embracing the place where the original State Court Complaint

1 was filed, it is the appropriate court for removal under 28 U.S.C. §1446(a).

2 13. Attached as Exhibit 10 to the accompanying declaration of B.
3 Thomas French is a copy of the Register of Actions in the state court proceeding. As
4 appears from Exhibit 10, the state court file is voluminous. To the extent that this
5 Court requires copies of records and proceedings in the state court proceeding,
6 Defendant respectfully requests this Court to issue a writ of certiorari to obtain these
7 voluminous documents from the San Francisco Superior Court pursuant to U.S.C.
8 §1447(b).

9 14. John Crane Inc. also intends to seek transfer of this action to the
10 Eastern District of Pennsylvania, where all Federal Court asbestos actions have been
11 centralized in a single forum, i.e., *In re Asbestos Products Liability Litigation* (Multi
12 District Litigation Docket No. 875), pursuant to 28 U.S.C. §1407. Accordingly,
13 Defendant is concurrently filing a Notice of Pendency of Other Action regarding
14 MDL 875.

15 WHEREFORE, defendant John Crane Inc. respectfully removes the
16 above-described state court action to this Court and requests that all further
17 proceedings in this action be conducted before this Court as provided by law.

18 Dated: June 1, 2007

19 HASSARD BONNINGTON LLP

20
21 By: B. Thomas French
22 B. Thomas French

23 Attorneys for Defendant
24 JOHN CRANE INC.
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PROOF OF SERVICE

Case Name: Everett Hogge, et al. v. A.W. Chesterton Company, et al.
San Francisco County Superior Court Case No. CGC-06-452846

6. At the time of service I was over 18 years of age and not a party to this action.

7. I am employed in the office of a member of the bar of this court at whose direction the service was made. My business address is Two Embarcadero Center, Suite 1800, San Francisco, CA 94111.

8. On June 1, 2007, I served the following documents:

**NOTICE TO STATE COURT AND TO ALL PARTIES OF REMOVAL
TO UNITED STATES DISTRICT COURT**

9. I served the documents on the **persons** below as follows:

Dean A. Hanley, Esq.
Philip A. Harley, Esq.
Robert L. Barrow, Esq.
PAUL, HANLEY & HARLEY LLP
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By United States mail. I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 4 and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 1, 2007, at San Francisco, California.

/s/ Michele Smith
Michele Smith

PROOF OF SERVICE

CASE NAME: Everett Hogge, et al. v. A. W. Chesterton Company, et al.

COURT: San Francisco County Superior Court

CASE NUMBER: GCG-06-452846

I, the undersigned, hereby certify that I am a citizen of the United States, over the age of eighteen years, and am not a party to the within action. I am employed in the City and County of San Francisco, California, and my business address is Two Embarcadero Center, Suite 1800, San Francisco, California 94111-3993. On the date last written below, following ordinary business practice, I electronically served the following document(s):

**NOTICE TO STATE COURT AND TO ALL PARTIES OF REMOVAL
TO UNITED STATES DISTRICT COURT**

via LexisNexis File & Serve on the recipients below and designated on the Transaction Receipt located on the LexisNexis File & Serve website:

Dean A. Hanley, Esq.
Philip A. Harley, Esq.
Robert L. Barrow, Esq.
PAUL, HANLEY & HARLEY LLP
1608 Fourth Street, Suite 300
Berkeley, CA 94710
Telephone: (510) 559-9980
FAX: (510) 559-9970

I declare under penalty of perjury that the foregoing is true and correct and that this Proof of Service was executed on June 1, 2007, at San Francisco, California.

/s/ Michele Smith
Michele Smith

Total LitigatorMichele Smith | [Switch Client](#) | [Preferences](#) | [History](#) | [Sign](#)[Home](#) | [Early Case Assessment](#) | [Draft, File & Serve](#) | [Discovery](#) | [Research](#) | [Gather Intelligence](#) | [Trial Prep](#) | [Alerts & Tracks](#) | [Search by Source](#) | [Litigator Tools](#)[Hassard Bonnington LLP](#) | [Resource Center](#) | [File & Serve Preference](#)[Home](#) | [Filing & Service](#) | [Alerts](#) | [Search](#) | [Service of Process](#)
[Case History](#) | [Cases Search](#) | [Daily Docket](#) | [Transaction Status](#) | [Advanced Search](#)[Home](#) > **Transaction 15087064**[Printable Version](#)<< [Previous transaction](#) [Next transaction](#)**Case number:** [452846](#) [\[View Case History\]](#)

Filed and served at 6/1/2007 3:26 PM P

Case name: Hogge, Everett C vs A W Chesterton Co (Paul Hanley)**Court:** CA Superior Court County of San Francisco**Judge:** Judge, Asbestos☒ View all document(s) as a list ☐ View document(s) inline☐ **Document List (1)** **Total Statutory Fees: \$0.00****Main Document, 9 pages** **ID: 17724674**[Document History](#) | [PDF Format](#) | [Original Format](#)**Document type:** Notice (Other)**Clerk review status/action:** Accepted**Security:** Public**Date reviewed:** 6/7/2007**Statutory fee:** \$0.00**Document title:** NOTICE TO STATE COURT AND TO ALL PARTIES OF REMOVAL TO UNITED STATES DISTRICT COURT☐ **Other Transaction Data****Transaction Comment:**

None

Financial Comment:

None

Client matter code

1850-1251

☐ **Sending Parties and Recipients**☐ **Sending Parties (1)**

Party	Party Type	Attorney	Attorney Type	Firm
John Crane Inc	Defendant	Nelder, Robert	Attorney in Charge	Hassard Bonnington LLP

☐ **Recipients (1)**

Party	Party Type	Attorney	Firm	Delivered	Method	Type
Hogge, Everett C	Plaintiff	Robert Barrow	Paul Hanley & Harley LLP-Berkeley	6/1/2007 3:26 PM PDT	E-Service	Service

☐ **Additional Recipients (0)**

Document/Notice	Name	Method	Delivered
	none available		